

CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS MINUTES
April 17, 2014
CITY COUNTY BLDG, ROOM 303, 555 S. 10TH STREET

The April 17, 2014, meeting of the Commission on Human Rights was called to order at 4:01 p.m. by Bennie Shobe, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Bennie Shobe (Chair), Mary Reece (Vice-Chair), Amanda Baron, Liz King, Sue Oldfield, Jon Rehm, Micheal Q. Thompson and Melanie Ways. Quorum present.

MEMBERS ABSENT:

Takako Olson.

STAFF PRESENT:

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Loren Roberts, Peg Dillon, and Jocelyn Golden.

AMEND APRIL 17, 2014 AGENDA:

A motion was made by Shobe and seconded by Reece to amend the meeting agenda to add the swearing-in of new commissioner, Amanda Baron. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, King, Oldfield, Rehm, Thompson, and Ways. Motion carried.

SWEARING-IN OF NEW COMMISSIONER:

The city clerk performed the swearing-in of new Commissioner, Amanda Baron.

APPROVAL OF MARCH 27, 2014 MINUTES:

A motion was made by Thompson and seconded by Ways to approve the minutes of the March 27, 2014 meeting. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, King, Oldfield, Rehm, Thompson, and Ways. Motion carried.

APPROVAL OF APRIL 17, 2014 AGENDA:

A motion was made by Reece and seconded by Thompson to approve the amended meeting agenda. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, King, Oldfield, Rehm, Thompson, and Ways. Motion carried.

CASE DISPOSITIONS:

LCHR #14-0115-001-E-R

A motion was made by Oldfield and seconded by Thompson to recommend a finding of **No Reasonable Cause** on all issues.

Nichols made a correction to the case summary on page 2 under Respondent's position to amend the month from November to December. Rehm said that but-for causation would not be the standard under the Lincoln Municipal Code as it applies to the retaliation issue. King questioned the interpretation of sexual harassment by the Respondent and what constitutes severe and pervasive. Nichols said the definition used by the Respondent was from their employee handbook and explained what constitutes severe and pervasive as defined by the Courts, citing the cases listed in the summary.

Reece asked about the second occasion reported by the Complainant and why it wasn't taken more seriously by the Respondent. Nichols said the shift manager who received the second incident report was not aware of a first incident but did talk to the employee accused of harassment, and adds that the Complainant did not allege sexual harassment when reporting the first incident. The shift manager said what the Complainant alleged did not meet the definition in the Respondent's policies.

Thompson asked if there was any disciplinary action taken against the accused employee. Nichols replied that the employee received two verbal disciplinary warnings but received no written warnings. There was discussion about attendance and if there was an overlap on the schedule by the two employees involved in this case. Discussion continued about attendance and the Complainant's total hours compared to the hours he was scheduled to work.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

LCHR #14-0124-002-E-R

A motion was made by King and seconded by Thompson to recommend a finding of **No Reasonable Cause** on all issues.

Thompson questioned why the Complainant could request days off so quickly after beginning work with the Respondent and if there was a probationary period regarding attendance. Nichol replied

there was not. Shobe questioned the option by the Complainant to tell the Respondent to come to her house to ask her to work. Nichols said it was because she only lived about a block away. Thompson asked about documentation on requests for time off and the work schedule. Nichols said yes she received this documentation from the Respondent.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

LCHR #14-0214-002-H

A motion was made by Oldfield and seconded by Ways to recommend a finding of **No Reasonable Cause** on the issue of disability.

Reece excused herself due to conflict of interest and left the meeting room.

There was discussion about the Complainant's disability and if there was evidence that the discrimination was a result of the disability or whether it was because of other things going on at the residence.

Hearing no further discussion, Reece was called back into the room and Shobe asked for the roll call. Voting "aye" was: Shobe, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Reece and Baron. Motion carried.

LCHR #14-0211-001-H

A motion was made by Oldfield and seconded by Reece to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

LCHR #13-0307-007-E

A motion was made by King and seconded by Oldfield to approve the conciliation agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

LCHR #13-0703-021-E-R

A motion was made by Reece and seconded by Shobe to approve the administrative closure.

Shobe asked about the procedure for this administrative closure. Lemke replied that this was a reasonable cause finding that failed in conciliation. The Complainant decided to retain an attorney

and intends to request a right to sue from the EEOC and therefore this case is closed by the Commission.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

OLD BUSINESS:

Roberts presented an overview of the Civil Rights conference on April 1st, 2014 at the Cornhusker Hotel. Roberts said there were 185 attending and there were 8 different sessions/speakers presenting. Commissioners were thanked for attending. Taylor-Riley received many good comments on her presentation.

Roberts highlighted upcoming events, May 24th the Community Fair at the Indian Center, May 28th community annual meeting presented by Health Endowment, Bryan Conference center, June 19th child car seat safety event, and the June 21st the Juneteenth event.

NEW BUSINESS:

There was discussion on the amended Commission Bylaws. Golden said changes were made to make it more consistent with current Nebraska law. Other changes were made to make it consistent with how the Commission meetings currently operate. She also updated Taylor-Riley's new title.

A motion was made by Shobe and seconded by King to approve the amended bylaws.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, King, Oldfield, Rehm, Thompson, and Ways. Abstaining was Baron. Motion carried.

Next Meeting:

The next meeting will be Thursday, May 29, 2014, at 4:00 p.m. in City Council Chambers at 555 S. 10th Street.

The meeting was adjourned at 4:41 p.m.